

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:12-HC-2176

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	CERTIFICATION OF A
)	SEXUALLY DANGEROUS PERSON
CHARLEY PARKER,)	AND PETITION
Register Number 38629-086,)	
)	
Respondent.)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Based on the above, the United States hereby petitions the Court to commit the Respondent to the custody of the Attorney General, pursuant to 18 U.S.C. § 4248(d).

Respectfully submitted, this 26th day of July, 2012.

THOMAS G. WALKER
United States Attorney

By: /s/ W. Ellis Boyle
W. ELLIS BOYLE
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Attorney for Petitioner
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N.C. Bar # 33826

CERTIFICATE OF SERVICE

This is to certify that I have this 26th day of July, 2012, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and placing the envelope in the U.S. mail for delivery to:

CHARLEY PARKER
Reg. No. 38629-086
FCI Butner
P.O. Box 1000
Butner, NC 27509

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender
150 Fayetteville Street Mall
Suite 450
Raleigh, North Carolina 27601

/s/ W. Ellis Boyle
W. ELLIS BOYLE
Assistant U.S. Attorney
Attorney for Petitioner
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N.C. Bar #33826

CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, Ivonne E. Bazerman, am Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248.

(2) Bureau records reflect the following: Inmate Charley Parker, Register Number 38629-086, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a 15-month and 14-day term of imprisonment and a two-month term of supervised release, following the revocation of his supervised release. He violated supervised release, in part, by committing a new sexual offense. His offense conduct included entering a 17-year-old female victim's bedroom, forcing the victim onto the bed, fondling her breasts, forcing her to remove her underwear, holding her arms down, and forcibly penetrating her vagina and anus with his penis. His original sentence was a 20-month term of imprisonment and a two-year term of supervised release, following his conviction for Rape Third Degree, in violation of 18 U.S.C. § 1153 and R.C.W. 9A.44.060. His offense conduct included entering a developmentally-disabled female victim's bedroom window without her consent, getting on top of the victim and holding her down, pulling her hair,

telling her not to scream, removing the victim's clothing, licking her breasts and vagina, giving her "hickey's" on her neck and directing her to do the same to him, penetrating her vagina with his penis, and forcing her to perform oral sex. His supervised release was previously revoked in March 2010 for failing to follow the instructions of his probation officer, and, again in January 2011, for using alcohol, using methamphetamine, failing to participate in sexual deviancy treatment, and having contact with a minor child without the permission of his probation officer. (W.D. Wash.) (Case No. 3:08CR05576BHS-001). His projected release date is September 7, 2012.

(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:


(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced by his current offense conduct resulting in his most recent revocation of supervised release as well as the offense conduct associated with his original conviction. Additionally, he was previously convicted of First Degree

Rape of a Child, Incest, and Indecent Liberties, in the Children's/Tribal Court of the Quinault Indian Nation (Cause No. J05-026-031), for penetrating his four-year-old niece's vagina and anus while babysitting the victim;

(b) A psychological review and assessment indicated Axis I diagnoses of Alcohol Abuse and Amphetamine Abuse; and an Axis II diagnosis of Antisocial Personality Disorder;

(c) A review and assessment of him using an actuarial risk assessment instrument (Static-99R) was conducted. This result, in addition to his current and prior offense conduct, lifestyle impulsivity, poor problem solving, resistance to rules and supervision, and a possible preference for sexualized violence, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.


Ivonne E. Bazerman
Chairperson
Certification Review Panel
Federal Bureau of Prisons

6/8/2012
Date

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:12-HC-2176

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
CHARLEY PARKER,)	
Register Number 38629-086,)	
)	
Respondent.)	

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this Court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the appointment of a mental health examiner of the Respondent's choosing. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

Any and all future forensic reports, and other such psychological and psychiatric reports or documents relevant to this case, whether such reports are produced by the Federal Bureau of Prisons, independent examiners appointed by order of this Court, or other mental health professionals, shall be filed with this Court under seal, without need of further motion to seal, by either party. Further the Clerk is DIRECTED to permanently seal these reports in accordance with Local Civil Rule 79.2(b), E.D.N.C.

The Court hereby notifies the parties that in light of the provisions of the November 14, 2011, Standing Order, the parties will not be required to conduct an initial scheduling conference pursuant to Fed. R. Civ. P. 26(f).

This ____ day of _____, 2012.

United States District Judge